IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Revision No. 626 of 1992

Date of decision : January 12, 2007.

Nishan Singh

... Petitioner

versus

State of Punjab

... Respondent

Coram : Hon'ble Mr. Justice A.N. Jindal

Present : None for the petitioner.

Mr. J.S. Dhillon, DAG, Punjab
for the respondent.

A.N. Jindal, J.

This revision petition is against the order dated 4.9.1992 passed by Additional Sessions Judge, Amritsar confirming the judgment dated 7.6.1991 passed by Judicial Magistrate Ist Class, Amritsar but modifying the sentence from one year to six months and sentence of fine was ordered to be maintained.

The accused was put to dock for keeping in his possession 39 bottles of liquor on 19.9.1988 in the area of village Malluwal without any licence or permit. Consequently, he was convicted and sentenced accordingly.

Having examined the file, the revision is pending since 14 years of the passing of the sentence against the petitioner in the appeal, as such he must have already suffered a lot of agony during the period of this protracted trial, therefore, it will not be appropriate at this stage to send him to jail. In the given circumstances of the case, the ends of justice will be met if the revision is dismissed with the modification in the sentence that the petitioner is released on probation under Section 4(1) of the Probation of Offenders Act, 1956 on his executing a bond in the sum of Rs.5000/- with one surety in the like amount to the satisfaction of the trial Court for a period of one year within which period he shall continue to be of good behaviour and keep peace and in case of breach of conditions of the

bond, he will be ready to serve the remaining part of sentence as and when called for. However, the accused is burdened with costs of litigation to the tune of Rs.5000/- which will be deposited in the trial Court within three months failing which the judgment passed by the First Appellate Court dated 4.9.1992 shall remain intact.

Ordered accordingly.

January 12, 2007 **(A.N. Jindal)**
'deepak' **Judge**